

Serial No.: 09/721,871
Inventor(s): Higgins et al.

U.S. PTO Customer No. 25280
Case No.: 5113

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Higgins et al.
Serial Number: 09/721,871
Filed: November 24, 2000
For: **CUSHIONED CARPET, CARPET TILE, AND METHOD**
Group Art Unit: 1771
Examiner: Juska, Cheryl Ann

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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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| <p>Certificate of Mailing Under 37 CFR § 1.8 I hereby certify that this correspondence, and all correspondence referenced herein as being enclosed with this correspondence, is being sent by facsimile to the Commissioner for Patents at 571-273-8300 on the following:</p> <p>Date: <u>April 21, 2006</u></p> <p>Signature: <u><i>Linda P. Jewell</i></u></p> <p>Name: <u>Linda P. Jewell</u></p> |
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Sir:

**Petition to Revive Abandoned U.S. Patent Application
Under 37 C.F.R. §1.137(b)**

The above-referenced U.S. Patent Application, filed on November 24, 2000, became abandoned for failure to timely respond to the United States Patent and Trademark Office Action dated October 19, 2005. A request for Continued Examination (RCE) was filed on February 21, 2006, along with an Information Disclosure Statement but the RCE was deemed improper. Applicant intended to file a proper RCE.

Applicant hereby petitions for revival of the Application and acceptance of the enclosed late Response (Notice of Appeal), in view of the fact that failure to timely respond to the Office Action was unintentional.

Please deduct the fee of \$1,500 from Deposit Account 04-0500 to cover the Petition fee under 37 CFR 1.17(m). Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional and without deceptive intent.

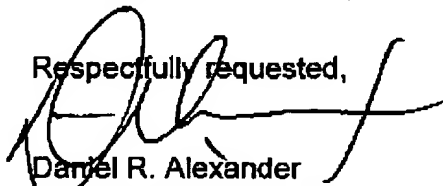
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Further, Applicant respectfully requests a Refund of the RCE fee as Applicants RCE filed on February 21, 2006 was deemed to be improper.

Favorable consideration of this Petition to revive U.S. Patent Application Serial No. 09/721,871 is hereby earnestly requested. If any additional information relating to this matter is required, please contact the undersigned at the phone number listed below.

Respectfully requested,



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